

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

**PCT**

**TRANSLATION**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	<b>See Form PCT/ISA/210 (sheet 2)</b>
Applicant's or agent's file reference <b>P388906PC-HH</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. <b>PCT/DE2005/000087</b>	International filing date (day/month/year) <b>20.01.2005</b>	Priority date (day/month/year) <b>20.01.2004</b>	
International Patent Classification (IPC) or both national classification and IPC <b>A61 B5/15, A01 K67/033, A01 K1/06, A01 K1/02</b>			
Applicant <b>FORSCHUNGSVERBUND BERLIN E.V.</b>			

<p>1. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the opinion</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul> <p>2. <b>FURTHER ACTION</b></p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>
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Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE  
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Box No. I	Basis of this opinion
1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.	
<input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).	
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:	
a. type of material	
<input type="checkbox"/> a sequence listing	
<input type="checkbox"/> table(s) related to the sequence listing	
b. format of material	
<input type="checkbox"/> in written format	
<input type="checkbox"/> in computer readable form	
c. time of filing/furnishing	
<input type="checkbox"/> contained in the international application as filed.	
<input type="checkbox"/> filed together with the international application in computer readable form.	
<input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.	
3. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.	
4. Additional comments:	

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<b>Box No. V</b>	<b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>
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**1. Statement**

Novelty (N)	Claims 3-5	YES
	Claims 1, 2	NO
Inventive step (IS)	Claims 3-5	YES
	Claims 1, 2	NO
Industrial applicability (IA)	Claims 1-5	YES
	Claims _____	NO

**2. Citations and explanations:**

1 Reference is made to the following document:

D1: US 5 464 360 A (CARLSON ET AL) 7 November  
1995 (1995-11-07)

2.1 The present application does not comply with the requirements of PCT Article 33(1), because the subject matter of claims 1 and 2 is not novel within the meaning of PCT Article 33(2). Document D1 discloses (the references between parentheses apply to said document):

A device comprising a container (10) with a perforated outer wall (12), and further comprising a moving intermediate wall (22).

The container is a hollow cylinder, and the perforated outer wall defines the bottom surface, and the intermediate wall can be moved by means of a piston rod (24) (see figure 1).

D1 therefore discloses all the structural features of the device according to claims 1 and 2. The other features relate to a process for using the device, and not to the definition of the device based on its technical features.

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

It must be noted in this regard that the device in D1 is very suitable for being used in the manner defined in claim 1. Specifically, the container described in D1 is used for bees and is therefore also suitable for assassin bugs, whereby the assassin bug can be positioned on the animal of interest in such a way that the assassin bug can suck blood and the assassin bug (similar to the bees in D1) can be fixed at a location on the perforated outer wall by means of the moving intermediate wall (see column 2, line 25 - column 3, line 4), whereby blood can be removed from the bug by means of a hypodermic syringe.

3. The subject matter of claims 3-5 is neither known from nor rendered obvious by the known prior art and therefore complies with the requirements of PCT Article 33(2).